IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

Crl.Rev.Pet.No. 305 of 2007()

CRA.608/2004 of ADDL.SESSIONS COURT, KOZHIKODE
ST.548/2002 of JUDL. MAGISTRATE OF FIRST CLASS-I, KOZHIKODE

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REVN. PETITIONER: APPELLANT/ACCUSED:

SETHUMADHAVAN, AGED 60 YEARS,
S/O.RARICHAN, RESIDING AT BNRIGHT HOUSE,
MANKAVU, KOZHKODE, VALAYANAD AMSOM DESOM,
KOZHKODE TALUK.

BY ADV. SRI.V.V.SURENDRAN

RESPONDENTS:

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1. M.K. CHAMU, AGED 55 YEARS,
S/O.UNNI, RESIDING AT AYILLAYAM HOUSE,
KALPKATH PARAMBA, NAGARAM AMSOM DESOM
OF KOZHIKODE TALUK.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

R1 BY ADV. SMT.SANIKA.V.S.
R2 BY PUBLIC PROSECUTOR SRI.P.P. SURESH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 22/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.R.P.No. 305 of 2007

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Dated this the 22nd day of January, 2007

O R D E R

This revision petition is directed against the concurrent verdict of guilty, conviction and sentence in a prosecution under Section 138 of the N.I. Act.

2. When this revision petition came up for hearing, it is submitted at the Bar by counsel for the rival contestants that the matter has been settled and the offence has been compounded by the complainant. A joint compromise petition duly signed by the rival contestants and counter signed by their respective counsel is also filed. The learned counsel for the respondent/complainant vouches that the signature appearing in the application for composition is that of the complainant.

3. The offence under Section 138 of the N.I. Act is now compoundable after the amendment to the N.I. Act. I am satisfied, from the submissions made at the Bar and the joint statement filed by them, that the parties have settled their dispute amicably. I find no reason not to accept the composition.

4. In the result:

(a) Crl.M.A.No. 948 of 2007 is allowed and the composition is accepted.

(b) The acceptance of the composition shall have the effect of acquittal of the accused of the offence punishable under Section 138 of the N.I. Act as stipulated under Section 320(8) Cr.P.C.

© Consequently, this revision petition is allowed. The impugned judgments are set aside. The bail bond executed by the accused shall stand discharged and he is set at liberty.

(R. BASANT)
Judge

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